

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

WILLIAM EBERHART, III,

Plaintiff,

v.

Civil Action No. 5:08CV26
(STAMP)

GRAYCOR INDUSTRIAL CONSTRUCTORS,
INC., an Illinois corporation,
and MOUNTAIN STATE CARBON, LLC,
a Delaware corporation,

Defendants.

ORDER SETTING DEADLINE FOR SURRESPONSE

The Court has received and reviewed the plaintiff's motion to remand and the response and reply thereto and finds that it would be beneficial to permit a surresponse to be filed by the defendants limited to the issue of unanimity which was raised for the first time in the plaintiff's reply brief. Although the parties briefly discussed this issue at a status and scheduling conference held on March 10, 2008, this Court believes that it would benefit from a surresponse by the defendants on the issue. Therefore, on or before **March 25, 2008**, the defendants shall file a surreponse to the plaintiff's motion to remand that is limited to the issue of the unanimity of the consent to remove this case.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: March 11, 2008

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE